

EXHIBIT 10

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shall in all cases be entered and recorded in the book of account required to be kept by section two hundred seventy-six of this chapter; and no further tax is hereby imposed upon the delivery of the certificate, or upon the actual issue of a new certificate when the original certificate is accompanied by the duly stamped memorandum of sale as herein provided. Nothing in this section contained shall be construed to impose a tax upon sales, agreements to sell, memoranda of sales, deliveries or transfers of shares or certificates issued under a noncorporate investment trust agreement of the fixed type and no such sale, agreement to sell, memorandum of sale, delivery or transfer shall result in imposing a tax under this section on the securities held in such an investment trust.

§ 3. This act shall take effect July first, nineteen hundred forty-two. Effective
July 1, 1942

CHAPTER 932

AN ACT to amend the military law and chapter ninety of the laws of nineteen hundred forty-two, entitled "An act making appropriations for the support of government," in relation to armories and appropriations therefor, respectively, and making an appropriation for armory purposes

Became a law May 23, 1942, with the approval of the Governor. Passed, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The existing article heading and schedule of sections of article nine of chapter forty-one of the laws of nineteen hundred nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the consolidated laws," as amended, are hereby repealed, and such chapter is hereby amended by inserting a new article heading and schedule of sections of article nine thereof, to read as follows:

Art. 9,
heading
repealed.
New
heading
added.

ARTICLE 9

ARMORIES

- Section 175. Definition of armory.
176. Brigade districts.
177. Expenses of armories, equipment and maintenance, a charge on the state.
178. Adjutant-general to furnish armories.
179. Armories and headquarters; how provided for or constructed.
180. Armories to be altered, repaired and equipped by adjutant-general.
181. Headquarters for regiments and battalions composed of divisions, separate troops or companies.
182. Armory property in city of New York.

183. Acquisition of sites and additional lands for armories by the state.
184. Control of armories.
185. Supervision of armory building; rules and regulations for.
186. Designation of officer in charge and control of armory building in New York city; apportionment of quarters.
187. Armory employees.
188. Laborers.
189. Compensation of employees in armories.
190. Armors and employees for the naval militia.
191. Armories for naval militia.
192. Use of armories.
193. Inventory of property and accountability therefor.
194. Disposal of useless property.
195. Sale of armories and application of proceeds.

§ 177.
amended.

§ 2. Section one hundred seventy-seven of such chapter, as added by chapter five hundred fifty-eight of the laws of nineteen hundred thirteen and last amended by chapter six hundred twenty-five of the laws of nineteen hundred twenty, is hereby amended to read as follows:

§ 177. Expenses of armories, equipment and maintenance, charge on the state.¹ The expenses of erecting, altering, repairing, enlarging, renting, equipping, furnishing and maintaining armories including providing camp stools and chairs of a sufficient number, telephone service, lavatories, bath, water and wash closets, and the necessary apparatus, fixtures and means for heating, lighting and ventilating armories and for properly preserving the arms, uniforms, harness, wagons, equipment, books, papers, records and furniture kept therein and the construction of suitable lockers, closets, gun racks, desks and cases, and the compensation of employees authorized by this chapter and the purchase of tools, utensils, materials, supplies, appliances and facilities necessary for the cleaning, care, proper keeping, maintenance and preservation of the armory or portion thereof used or occupied by the organizations therein quartered or the arms, uniforms, equipments, books, papers, records and furniture used and kept by said organization in such armory and the expense of repairing, renewing, replacing or maintaining pavement of streets or sidewalks, curbing, flagging of sidewalks, fences, sewers and water pipes and their connection in, on or connected with the site of the armory which an armory is located, shall be a charge upon² the state. The expenses shall be paid out of any moneys of the state appropriated therefor, upon certification, audit and approval in the manner

¹ Word "state" substituted for words "counties of the brigade in which located".

² Rest of sentence new matter substituted for former provision charge on counties.

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Section one hundred seventy-eight of such chapter, as ^{§ 178.}
ed by chapter five hundred fifty-eight of the laws of nineteen ^{repeated.}
red thirteen and last amended by chapter eight hundred and
eight of the laws of nineteen hundred thirty-nine, is hereby
aled.

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4. Section one hundred seventy-nine of such chapter, as added ^{§ 179.}
chapter five hundred fifty-eight of the laws of nineteen hundred ^{renumbered.}
reen and last amended by chapter eight hundred forty of the ^{§ 178.}
of nineteen hundred twenty-eight, is hereby renumbered ^{amended.}
ion one hundred seventy-eight and amended to read as follows:

§ 178. Adjutant-general to furnish armories. Whenever it
ll appear by the certificate of the commanding general of
national guard or of the commanding officer of the naval
militia that an organization of his command has at least the mini-
mum number of enlisted men established by law who legally can be
quired to perform the duties prescribed thereby, the adjutant-
general shall, upon the demand of the commanding officer of such
organization approved by the commanding general of the national
guard or the commanding officer of the naval militia, as the case
ay be, and by intermediate commanding officers, rent and equip,
within the appropriation therefor,³ for the use of such organization,
suitable and convenient armory, drill room and place of deposit
for the safe keeping of the arms, equipment, accoutrements, uni-
forms and military property furnished under the provisions of this
chapter. The size, suitability and convenience of such armory,
drill room, place of deposit and the suitability and convenience of
the equipment shall be determined by the commanding officer of
the brigade to which the organization of the national guard demand-
ing such armory belongs or is attached, or by the commanding
general of the national guard if the organization of the national
guard is not attached to a brigade, or in the case of the naval militia
by the commanding officer thereof. The repairs, alterations and
equipment of all buildings or accommodations erected and used
for armory purposes pursuant to law⁴ shall be made under the
direction and supervision of an inspector appointed by the adjutant-
general.

§ 5. Section one hundred eighty of such chapter, as last ^{§ 180.}
amended by chapter eight hundred forty of the laws of nineteen ^{renumbered.}
hundred twenty-eight, is hereby renumbered section one hundred ^{§ 179.}
seventy-nine and amended to read as follows: ^{amended.}

§ 179. Armories and headquarters; how provided for or
constructed. Whenever the adjutant-general shall deem it

³ Words "appropriation therefor" new matter substituted for words
"boundaries of such brigade district".

⁴ Words "and used for armory purposes pursuant to law" new matter
substituted for words "at the expense of a brigade district".

⁵ Words "This section shall not apply to or affect any portion of the
several counties lying within the boundaries of the city of New York" omitted.

expedient that an armory be provided for the use of one or more organizations of the national guard or naval militia or for a brigade, regimental, separate battalion or squadron headquarters or the headquarters of a similar organization, the adjutant-general shall, except when such accommodation is provided in a suitable arsenal or armory, including armories the title to which is vested in the corporation of the city of New York, rent and equip, within the appropriation therefor,⁶ a suitable and convenient armory or provide suitable accommodations and equipment for such headquarters. When two or more armories are located in one building the commanding general of the national guard or the commanding officer of the naval militia, if only naval units are involved, shall designate the officer in charge and control of the building and apportion the quarters of each organization and regulate the military use and the care of the entrances, drill floors, basements and storage spaces of such building. Whenever in the opinion of the officer in charge and control of any armory or headquarters, the same shall be unfit for use as an armory or headquarters, he may make complaint to the adjutant-general who shall forthwith make or cause to be made an examination of such armory or headquarters, and, if after such examination the adjutant-general shall decide that such armory or headquarters is unfit for use, he shall immediately, within the appropriation therefor,⁷ direct the alteration, repair, enlargement or abandonment of the same, and, in case of an abandonment, provide another suitable armory or headquarters. Headquarters when provided shall be deemed for all purposes an armory within the meaning of that word whenever used in this chapter.⁸

§ 181.
renumbered.
§ 180.
amended.

§ 6. Section one hundred eighty-one of such chapter, as last amended by chapter eight hundred forty of the laws of nineteen hundred twenty-eight, is hereby renumbered section one hundred eighty and amended to read as follows:

§ 180. **Armories to be altered, repaired and equipped by adjutant-general.** In case expenditure is required for altering, repairing or enlarging any armory or for equipping the same with apparatus for heating, lighting or ventilating, lavatories, bath, water or wash closets or for lockers, gun racks or closets and other appliances and facilities, the necessity for such expenditure may be certified to the adjutant-general by the officer in charge and control of the armory or the officer in command of the organization to be quartered therein. If the adjutant-general shall approve such expenditure, he shall, within the appropriation therefor,⁹ cause the work to be performed or the material to be furnished or the accommodations to be provided. The adjutant-general shall

⁶ Words "including armories the title to which is vested in the corporation of the city of New York" new matter inserted.

⁷ Words "within the appropriation therefor," new matter inserted.

⁸ Words "This section shall not apply to or affect any portion of the several counties lying within the boundaries of the city of New York" omitted.

⁹ Words "within the appropriation therefor," new matter inserted.

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cause to be inspected all work performed and materials or articles furnished or quarters provided pursuant to such certificate and no money shall be paid for such work, materials, articles or quarters until the adjutant-general shall certify that such work has been properly performed and said materials and supplies are of proper quality and workmanship and such quarters suitable and adequate.¹⁰

§ 7. Section one hundred eighty-two of such chapter, as last amended by chapter eight hundred forty of the laws of nineteen hundred twenty-eight, is hereby renumbered section one hundred eighty-one and amended to read as follows: § 182,
renumbered.
§ 181,
amended.

§ 181. **Headquarters for regiments and battalions composed of divisions, separate troops or companies.** The adjutant-general shall, when practicable, provide in state arsenals or armories, including armories the title to which is vested in the corporation of the city of New York,¹¹ headquarters for regiments and similar organizations composed of separate troops, batteries or companies, and for battalions, and squadrons and similar organizations not parts of regiments composed of separate troops, batteries or companies and quarters for the field and staff officers, the non-commissioned staff officers and detachments attached to such organizations. Whenever it shall appear to the adjutant-general that headquarters or quarters¹² cannot be provided in such a state arsenal or armory for the organization, officers, non-commissioned staff officers or detachments hereinbefore specified it shall be the duty of the adjutant-general to provide, upon the demand of the commanding officer of the organization requiring such headquarters or quarters, approved by the commanding officer of the brigade to which such organization is attached or the commanding general of the national guard, or the commanding officer of the naval militia, suitable and convenient headquarters or quarters. Headquarters or quarters, when provided, shall be deemed for all purposes an armory within the meaning of that word whenever used in this chapter, and the other provisions of this article, except as herein modified, shall apply to said headquarters and quarters. The expenses for rent, heat, light, water supply and telephone service shall not exceed annually the sum of seven hundred dollars for the headquarters of a regiment; four hundred and fifty dollars for the headquarters of a battalion or squadron not part of a regiment; three hundred dollars for other quarters. An armorer may be appointed for such headquarters or quarters who shall receive compensation to be fixed by the officer appointing him at not exceeding the following sum annually: For the headquarters of a regiment, five hundred dollars; for the headquarters of a battalion or squadron, not part of a regiment, four hundred dollars; for other quarters, two hundred dollars.

¹⁰ Words "This section shall not apply to armories owned by the city of New York" omitted.

¹¹ Words "including armories the title to which is vested in the corporation of the city of New York" new matter inserted.

¹² Words "in the third and fourth district" omitted.

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§ 182,
added.

§ 8. Such chapter is hereby amended by inserting therein a new section, to be section one hundred eighty-two, to read as follows:

§ 182. **Armory property in city of New York.** All armories in the city of New York the title to which is vested in the corporation of the city of New York, and all armory equipment, utensils, materials and other property furnished or supplied to armories in the city of New York by such city or otherwise pursuant to provisions of this chapter as existing prior to July first, nineteen hundred forty-two, shall continue to be available, used and applied to and for the purposes of such armories in accordance with the provisions of this chapter, without cost or expense to the state, notwithstanding any provision of this chapter or other law, except that on and after July first, nineteen hundred forty-two, the expenses of altering, repairing, equipping, furnishing and maintaining such armories incurred on and after such date shall be a charge upon the state as provided in this article.

§ 183,
repealed.

§ 9. Section one hundred eighty-three and section one hundred eighty-four of such chapter, as last amended by chapter six hundred fifty-five of the laws of nineteen hundred forty-one, are hereby **repealed**.

§ 185,
renumbered.
§ 183,
amended.

§ 10. Section one hundred eighty-five of such chapter, as last amended by chapter eight hundred forty of the laws of nineteen hundred twenty-eight, is hereby renumbered section one hundred eighty-three and amended to read as follows:¹³

§ 183. **Acquisition of sites and additional lands for armories by the state.** The adjutant-general, whenever he shall deem it necessary, is authorized to acquire by purchase or condemnation, within the appropriation therefor, suitable sites for the erection of armories, the title of which shall be taken in the name of and be vested in the people of this state. The adjutant-general may likewise acquire such lands adjoining the site of any armory as he may deem proper; and the title thereto shall be taken in the name of and be vested in the people of this state.

Whenever any real property is taken for the purpose of erecting a state armory thereon, the buildings on such property or the old materials in the same, may be sold by the adjutant-general at public or private sale for the best price that can be obtained and the net sum realized therefrom shall be paid into the state treasury.

§ 186,
renumbered
§ 184.

§ 11. Section one hundred eighty-six of such chapter, as last amended by chapter two hundred sixty-two of the laws of nineteen hundred forty-one, is hereby renumbered section one hundred eighty-four.

§ 186-a,
renumbered
§ 185.

§ 12. Section one hundred eighty-six-a of such chapter, as added by chapters five hundred eighty-seven and five hundred ninety-five of the laws of nineteen hundred twenty-one and amended by chapter six hundred fifty-five of the laws of nineteen

¹³ Amendments too numerous to indicate by footnotes.

hundred forty-one, is hereby renumbered section one hundred eighty-five.

§ 13. Section one hundred eighty-six-b of such chapter, as added by chapter two hundred ninety-five of the laws of nineteen hundred twenty-two and amended by chapter one hundred fourteen of the laws of nineteen hundred twenty-four, is hereby renumbered section one hundred eighty-six. ^{§ 136-b. renumbered § 186.}

§ 14. Section one hundred eighty-seven of such chapter, as last amended by chapter two hundred seventy-two of the laws of nineteen hundred thirty-two, is hereby amended to read as follows: ^{§ 187. amended.}

§ 187. **Armory employees.** The following employees shall be allowed:

(a) For each armory and for the headquarters of the national guard, of each division and brigade thereof, and of the naval militia, one armorer.

(b) For each armory building containing more than one armory, one superintendent.

(c) For an armory building heated by steam, one engineer, and upon the certificate of necessity and approval of the commanding officer of the brigade to which the organization occupying such armory belongs, or of the commanding general of the national guard or the commanding officer of the naval militia, as the case may be, one assistant engineer; and if the heating or power plant consists of three or more high pressure boilers, one fireman.

(d) For an armory building occupied by a regiment or other similar organization, and lighted by electricity produced by machinery operated by a power plant within the building and upon like certificate and approval, one additional assistant engineer.

(e) For an armory building occupied by a coast defense command or a regiment of coast artillery and upon like certificate and approval, one electrician.

The employees authorized by this and the succeeding section shall be male residents appointed, unless otherwise provided by this chapter, by the officer having charge and control of the armory or building, approved by the commanding officer of the brigade, if the organization occupying such armory or building is part of a brigade, otherwise by the commanding general of the national guard or the commanding officer of the naval militia, as the case may be. No person over forty-five years of age shall hereafter be appointed under this or the succeeding section except that a person under fifty years of age may be appointed if he has served honorably in the national guard or naval militia of this state for a period of at least five years, and except that a person under fifty-five years of age may be appointed armorer or superintendent if he has served honorably in the national guard or naval militia of this state for a period of at least twenty-five years and is a Spanish war veteran, a world war veteran and has also served on the Mexican border. One employee in each armory where less than six are employed shall be ineligible by reason of

such employment for enlistment in the national guard or naval militia. Where six or more are employed two shall be ineligible. All persons¹⁴ employed under this or the succeeding section on or after the twelfth day of April, nineteen hundred twenty-four,¹⁵ will be required to become members of the New York state employees' retirement system¹⁶ in the same manner as if such employees were in the competitive class of the civil service, provided that the foregoing in regard to joining the state retirement system shall not apply to persons who are eligible to retirement with compensation under this chapter upon reaching the required age and having the required service. All persons appointed or employed pursuant to this or the succeeding section shall perform such duties as shall from time to time be prescribed by the officer appointing or employing them.

§ 188.
3d ¶
subd. (a).
amended.

§ 15. Subdivision (a) of the third paragraph of section one hundred eighty-eight of such chapter, as last amended by chapter eight hundred forty of the laws of nineteen hundred twenty-eight, is hereby amended to read as follows:

(a) For an armory or arsenal, one laborer; also one laborer for each twenty thousand square feet of floor space or fraction thereof over one-half in excess of twenty thousand. Boiler and engine rooms, unused cellar rooms and employees' quarters shall not be included in computing floor space. Floor space added to an armory by alterations, improvements, betterments or additions completed after this section, as hereby amended, takes effect shall not be included in such computation, unless the amount so added exceeds twenty thousand square feet. The number of square feet of floor space in an armory or arsenal shall be certified by a person designated for such purpose¹⁷ by the adjutant-general. Such certificate, when approved by the commanding general of the national guard or the commanding officer of the naval militia, and intermediate commanding officers, shall be filed with the¹⁸ adjutant-general. Any such certificates heretofore filed with the comptroller of the city of New York or with a county treasurer, as formerly required by this section, shall be transferred and filed with the adjutant-general.

§ 189.
amended.

§ 16. Section one hundred eighty-nine of such chapter, as last amended by chapter two hundred seventy-two of the laws of nineteen hundred thirty-two, is hereby amended to read as follows:

§ 189. **Compensation of employees in armories.** The persons appointed under the provisions of the two preceding sections

¹⁴ Words "now or hereafter" omitted.

¹⁵ Words "on or after the twelfth day of April, nineteen hundred twenty-four", new matter inserted.

¹⁶ Words "if employed in an armory located outside of New York city or to become members of the New York city employees' retirement system if employed in an armory located within that city, in both cases" omitted.

¹⁷ Words "by the armory board when the armory or arsenal is located within the city of New York; otherwise" omitted.

¹⁸ Rest of subdivision new matter substituted for words "comptroller of the city of New York or the county treasurer, as the case may be".

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shall receive compensation for the time actually and necessarily employed in their duties as follows: (a) Superintendent not to exceed seven dollars per day. (b) Armorers, engineers, electricians and technical laborers employed in armories occupied as division or brigade headquarters or by a regiment, battalion, squadron, or similar organizations, not to exceed seven dollars per day. (c) Armorers, engineers and technical laborers employed in armories, other than those specified under (b), assistant engineers, expert laborers and firemen, not to exceed six dollars per day. (d) Laborers, other than those specified under (b) and (c), not to exceed five dollars per day. An armorer, electrician, engineer or other permanent employee appointed by the commanding officer of an organization located in a city who under orders duly issued by such officer performs the whole or any part of his duties outside of the limits of such city shall receive the compensation provided for an armorer, electrician, engineer or other permanent employee employed in an armory located in such city. The compensation, as certified to by the officer appointing such persons, under the provisions of the two preceding sections, and as approved by the adjutant-general¹⁹ shall be paid by the state²⁰ semi-monthly upon the certificate of such officer in the manner provided by law.²¹ A commissioned officer of the army, navy, marine corps, national guard, naval militia or naval reserve forces shall not be eligible for appointment to and shall not be employed in any position specified in this section, except that any employee under this section who is on the state reserve list or who holds a commission in the national guard reserve, or the officers reserve corps of the United States may be detailed to active duty under his commission by competent authority for a period of not to exceed thirty days in any one year without affecting his position as such employee. The appointing officer shall grant to each employee a vacation of fourteen days per year with pay. The employees provided for by this article shall be considered as being in the military or naval service of the state as the case may be.²²

§ 17. Section one hundred ninety-one of such chapter, as amended by chapter eight hundred forty of the laws of nineteen hundred twenty-eight, is hereby amended to read as follows:²³

§ 191. **Armories for naval militia.** Armories of the naval militia shall be situated immediately on or near navigable waters of the state, in such position as best to promote the efficiency of the service. The word "armory" as used in this article, and in any part of this chapter when applied to the naval militia, shall be held to include a vessel used as an armory for the purposes of

¹⁹ Word "adjutant-general" substituted for words "officer authorized to approve the estimate for the maintenance of the armory wherein said persons are employed".

²⁰ Words "by the state" new matter inserted.

²¹ Words "in the manner provided by law" substituted for former provision relative to charge upon counties.

²² Former provision relative to list of employees omitted.

²³ Amendments too numerous to indicate by footnotes.

instruction, drill and defense, and a building used for any like purpose or as a place of deposit for naval stores, equipments or property. Organizations of the naval militia shall have the same right to make requisition on the proper public officers for the erection of armories as is granted by law to organizations of the national guard and all provisions of law as to the acquisition of armory sites, the furnishing, altering, repairing, adding to and erecting armories and the furnishing of supplies to organizations quartered therein, are hereby made applicable to organizations of the naval militia. The commanding officer of the naval militia shall at all times have access to armories provided for organizations of his command. The department, bureau, officer or authority having the charge or control of docks within the limits of a city shall upon the requisition of the commanding officer of the naval militia, when directed so to do by the adjutant-general furnish without charge or expense to the state and naval militia suitable and adequate dock, berthing and mooring facilities for vessels and boats used by any organization of the naval militia located in said city and free access thereto at all times for the members of such militia. The adjutant-general is hereby authorized and empowered to furnish dock facilities for the use of the naval militia as hereinbefore stated and to determine the suitability and adequateness of the facilities of the dock, berthing and mooring facilities. The word "dock" where used in this section shall be construed to include wharves, piers, bulkheads, slips, basins, docks and water front.

§ 192,
subd. (b);
amended.

§ 18. Subdivision (b) of section one hundred ninety-two of such chapter, as last amended by chapter two hundred sixty-two of the laws of nineteen hundred forty-one, is hereby amended to read as follows:

(b) By posts of the Grand Army of the Republic or other veteran organizations of honorably discharged union soldiers, sailors or marines of any war of the United States, or sons of such veterans, or posts of the American Legion, or other organizations of honorably discharged soldiers, sailors or marines of the world war, or posts of Jewish War Veterans of the United States, Inc., or posts of the Catholic War Veterans, Inc., or posts of the Italian American World War Veterans of the United States, Inc., the Polish Legion of American Veterans, Inc., or of posts of the United Spanish War Veterans, or of posts of the veterans of Foreign Wars of the United States, as provided in section one hundred and eighty-four²⁴ of this chapter.

Subd. (f);
amended.

§ 19. Subdivision (f) of section one hundred ninety-two of such chapter, as last amended by chapter one hundred fourteen of the laws of nineteen hundred twenty-four, is hereby amended to read as follows:

(f) When such use of an armory is not by an organization of the national guard or naval militia, a civil association formed under the provisions of section two hundred and fifty-two of this chapter, a veteran organization formed pursuant to the provisions

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of section one hundred and eighty-four²⁵ of this chapter, or a state, county or municipal bureau or department, or the military or naval forces of the United States, there shall be first executed by the person, firm, association or corporation applying to use the same, a lease or agreement which shall set forth the full name and address of the person, association, corporation or copartnership so hiring the said armory, the terms of the agreement and the full amount of compensation of any kind or nature whatsoever to be paid for the use and occupation of said armory or any part thereof, and that said person, association, corporation or copartnership so hiring will not assign said contract nor sublet any part of the premises mentioned therein, except as may be in said lease provided, and will pay the compensation provided therein as and for rent for the use and occupation of said armory, and will also pay all expenses of heating, lighting and janitor or other service connected with such use, and further, there shall be executed by the person, firm, corporation, association, copartnership, or other organization applying to use the said armory and by a surety company, a surety bond to the people of the state conditioned to indemnify and save harmless severally the state and the city or county in which the armory is situated and the troops therein quartered and the civil associations formed by the same under this chapter from any loss, damage or expense to the armory or any property of the said state, county, city or troops or civil associations or of the United States therein, accruing from or incident to such use, and the expenses of heating, lighting and janitor and other services connected with such use. Such bond and lease shall be approved as to form and sufficiency by the officers who approve the use of the armory and an action for its breach may be brought in the name of the people of the state by a judge-advocate and all moneys recovered therein shall be paid to the treasurer or other appropriate financial officer of the state, county, city or civil association as the case requires.

§ 20. Subdivision (h) of section one hundred ninety-two of such chapter, as last amended by chapter six hundred fifty-five of the laws of nineteen hundred forty-one, is hereby amended to read as follows:²⁶

(h) Twenty-five per centum of all moneys paid as provided in this section for the rental of an armory of an organization of the national guard or naval militia together with all sums paid to cover expenses of heating and lighting shall be paid by the officer in charge and control of the armory to the adjutant-general and be by him paid into the state treasury. Fifty per centum of all moneys paid as provided in this section for the rental of an armory of an organization of the national guard or naval militia, not including sums paid to cover heating and lighting, shall be paid by the officer in charge and control of the armory

²⁵ Word "eighty-four" substituted for word "eighty-six".

²⁶ Amendments too numerous to indicate by footnotes here and through rest of chapter.

to the treasurer of the city of New York if the armory is situated therein; otherwise to the treasurer of the county in which the armory is situated, such amount to be credited to and form a part of the military fund of the troops quartered in such armory. In cases where two or more organizations each occupy separate armories contained in the same building the moneys received for rentals for any part of said building used in common by said organizations except common entrances, hallways, elevators and stairways, required to be credited to the military fund as aforesaid, shall be apportioned to the military funds of the organizations quartered in such building proportionately to the number of enlisted men in each organization, at the time such rentals are received by the officer having charge and control. The balance of such moneys shall be paid to the adjutant-general of the state who shall hold the same until the first day of July next ensuing, and he shall then apportion and divide the same as follows: The moneys so received from organizations of the national guard or naval militia located within the city of New York, to and among all the organizations of the national guard or naval militia, as the case may be, located within such city, and the moneys so received from organizations of the national guard or naval militia, located without the city of New York to and among all the organizations of the national guard or naval militia, as the case may be, located without such city; all proportionately to the number of enlisted men present for duty at each of the five compulsory drills or parades of each such organization as certified to the adjutant-general pursuant to the provisions of this chapter for the determination of its military fund. Such moneys so apportioned and divided shall thereafter form a part of the military fund of each such organization and be administered as such, and shall be in addition to and not in diminution of any amount fixed as the military fund of such organization as otherwise provided in this chapter.

§§ 193, 194,
repealed.

§ 193,
renumbered.
§ 193,
amended.

§ 21. Sections one hundred ninety-three and one hundred ninety-four of such chapter, as last amended by chapter eight hundred forty of the laws of nineteen hundred twenty-eight, are hereby repealed.

§ 22. Section one hundred ninety-five of such chapter, as last amended by chapter eight hundred forty of the laws of nineteen hundred twenty-eight, is hereby renumbered section one hundred ninety-three and amended to read as follows:

§ 193. **Inventory of property and accountability therefor.** Every officer in charge and control of an armory in the manner and form prescribed by the adjutant-general shall make and file an inventory and account of all property in his official custody, and of all property received, expended, lost or destroyed during the preceding year. Such inventory shall be filed with the adjutant-general on or before the fifteenth day of July and shall cover the fiscal year ending June thirtieth. Access to armories for the purpose of verifying the inventories and returns required to be filed by this section may be had at all proper times by duly authorized representatives of the adjutant-general.

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Every officer in charge and control of an armory shall be personally responsible for the care and maintenance of such armory and for all public property contained therein; and no such officer shall be relieved of such property or responsibility, except such responsible officer making application for such relief and furnishing to the adjutant-general satisfactory proof of the proper expenditure of such property or the unavoidable loss or destruction thereof, and the said adjutant-general may thereupon relieve said officer from said responsibility.

§ 23. Section one hundred ninety-six of such chapter, as added by chapter five hundred fifty-eight of the laws of nineteen hundred thirteen and last amended by chapter six hundred fifty-five of the laws of nineteen hundred forty-one, is hereby renumbered section one hundred ninety-four and amended to read as follows:

§ 194. **Disposal of useless property.** Whenever property furnished to an armory as provided by law shall become obsolete, useless or superfluous, the adjutant-general may cause the same to be sold at public or private sale for the best price obtainable. The moneys derived from the sale thereof shall be paid into the state treasury.

§ 24. Section one hundred ninety-eight of such chapter, as added by chapter one hundred sixty-two of the laws of nineteen hundred fourteen and last amended by chapter six hundred fifty-five of the laws of nineteen hundred forty-one, is hereby **repealed**.

§ 25. Section one hundred ninety-nine of such chapter, as added by chapter one hundred fourteen of the laws of nineteen hundred twenty-four and as amended, is hereby renumbered section one hundred ninety-five.

§ 26. Section one of part four of chapter ninety of the laws of nineteen hundred forty-two, entitled "An act making appropriations for the support of government," is hereby amended to read as follows:

Section 1. The following sums are hereby appropriated for the objects and purposes specified herein as follows:

EXECUTIVE DEPARTMENT

DIVISION OF MILITARY AND NAVAL AFFAIRS

Adjutant-General ²⁷

For maintenance of armories in the counties comprising the third brigade district for the twelve months to commence on the first day of July, 1942, and to end on the thirtieth day of June, 1943.....	564,215 77
For construction, alteration, repairs, enlargement, renting and equipping of armories in the counties comprising the third brigade district. The amount appropriated is hereby made immediately available for liabilities incurred or to be incurred.....	56,400 00

²⁷ Word "Adjutant-General" substituted for words "County Armories Fund".

For maintenance of armories in the counties comprising the fourth brigade district for the twelve months to commence on the first day of July, 1942, and to end on the thirtieth day of June, 1943.....

513,654 62

For construction, alteration, repairs, enlargement, renting and equipping of armories in the counties comprising the fourth brigade district. The amount appropriated is hereby made immediately available for liabilities incurred or to be incurred.....

59,600 00

For structural changes and protective additions to armories, arsenals, camps and boathouses of the New York state national guard and the New York state naval militia. The amounts appropriated are hereby made immediately available for liabilities incurred or to be incurred.

Third brigade district..... 60,970 00

Fourth brigade district..... 29,030 00

§ 27. The sum of eight hundred thousand dollars (\$800,000), or so much thereof as may be necessary, is hereby appropriated from any moneys in the state treasury not otherwise appropriated, to the adjutant-general, division of military and naval affairs, in the executive department, for the maintenance, construction, alteration, repair, enlargement, renting, and equipment of armories in the city of New York, including personal service for administrative purposes, for the fiscal year commencing July first, nineteen hundred forty-two, and shall be payable from the state treasury on certificate of the adjutant-general after audit and on warrant of the comptroller, in the manner prescribed by law.

§ 28. On or before July fifteenth, nineteen hundred forty-two, the county treasurer or other corresponding fiscal officer of each county outside the city of New York shall file with the adjutant-general a report in detail showing the amounts paid or contracted to be paid during the fiscal year ended June thirtieth, nineteen hundred forty-two, for or on account of each armory located in such county and specifying the balance remaining in his hands of the moneys appropriated for or received during such fiscal year, including the accumulated interest thereon, which will not be required to meet outstanding obligations contracted during such fiscal year, pursuant to the former provisions of article nine of the military law. Any such moneys required to meet outstanding obligations contracted during such fiscal year shall be retained by such treasurer or other corresponding fiscal officer and expended by him for such purposes, notwithstanding any inconsistent provision of law. Upon the filing of such reports, the adjutant-general shall certify to the state department of taxation and finance and the state comptroller the amount of such moneys remaining in the hands of each such county treasurer or other corresponding county fiscal officer which will not be required to meet such outstanding obligations; and upon receipt of such certification the department of taxation and finance shall issue a requisition upon

each such officer for amounts available in which by law.

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LAWS OF NEW YORK, 1942

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each such county treasurer or other corresponding county fiscal officer for the amounts so certified in each respective case, which amounts shall forthwith be paid to the adjutant-general and be available to and expended by him in the respective brigade districts in which such counties are located for armory purposes as required by law.

§ 29. Notwithstanding the provisions of the military law as hereby amended, outstanding obligations heretofore contracted or incurred pursuant to the provisions of the military law as heretofore existing shall be paid by the city or county or appropriate official, board or agency thereof heretofore charged with responsibility for such payment pursuant to such former provisions, except as hereinafter provided. The additional direct liability of the state for expenditures for armory purposes as prescribed by the provisions of the military law as hereby amended shall apply only to such expenses hereafter contracted or incurred; provided that expenses for work hereafter performed or materials, supplies or equipment hereafter furnished, even though heretofore contracted, and any emergency expenditures pursuant to former sections one hundred ninety-four or one hundred ninety-eight of the military law made during the fiscal year ended June thirtieth, nineteen hundred forty-two, to the extent that moneys for such purposes are not retained locally as provided in the preceding section, shall be paid by the state.

§ 30. Administrative officers and employees of the armory board of the city of New York immediately preceding the time this act takes effect may, with the consent of the city of New York acting through the mayor or other appropriate official or department thereof, if selected by the adjutant-general, be transferred to the office of the adjutant-general, division of military and naval affairs, in the executive department of the state, and shall be eligible for such transfer without further qualification; and they shall perform such duties and be paid such compensation as may be prescribed by the adjutant-general in the manner provided by law.

§ 31. Administrative officers and employees of the armory board of the city of New York transferred to the office of the adjutant-general, pursuant to this act, who are members of the New York city employees' retirement system at the time of such transfer, shall transfer their retirement system membership from such city system to the New York state employees' retirement system, subject to the provisions of section seventy-three of the civil service law relating to transfers of members between retirement systems.

§ 32. The retirement system membership of all persons employed in armories in the city of New York pursuant to the provisions of sections one hundred eighty-seven, one hundred eighty-eight, one hundred eighty-nine and one hundred ninety of the military law, as amended, who are members of the New York city employees' retirement system at the time this act takes effect shall be transferred to the New York state employees retirement system as of such date, subject to the provisions of section seventy-three of

the civil service law relating to transfers of members between retirement systems.

§ 33. Records, papers and other documents on file in the office of the armory board of the city of New York shall be transferred to the adjutant-general's office, excepting such as appertain particularly to affairs of the city of New York which may be retained by such city.

§ 34. No moneys shall be paid by the state to any county treasurer pursuant to section one hundred seventy-eight of the military law, notwithstanding any contrary provision of such section prior to its repeal on July first, nineteen hundred forty-two, as herein provided.

§ 35. Notwithstanding any provision of any general, special or local law, no city hereafter shall be compelled to make any appropriation for the support, maintenance, preservation or improvement of any armory where such expense is a state charge pursuant to the provisions of the military law.

Effective
July 1, 1942,
in part.

§ 36. This act shall take effect July first, nineteen hundred forty-two, except the provisions of sections twenty-six and thirty-four hereof which shall take effect immediately.

CHAPTER 933

AN ACT to amend the pari-mutuel revenue law, in relation to the disposition of pari-mutuel pools, percentage payable to state as a tax

Became a law May 23, 1942, with the approval of the Governor. Passed, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1940,
ch. 254,
§ 9,
amended.

Section 1. Section nine of chapter two hundred and fifty-four of the laws of nineteen hundred forty, entitled "An act in relation to prescribing the conditions under which the pari-mutuel method of betting on horse races shall be lawful in accordance with section nine of article one of the constitution so as to provide the state with a reasonable revenue for the support of government and to promote agriculture generally and the improvement of the breeding of horses particularly in the state, regulating and controlling horse racing and the conduct of race meetings, continuing the state racing commission, repealing certain sections of chapter four hundred and forty of the laws of nineteen hundred twenty-six, and making an appropriation therefor," is hereby amended to read as follows:

§ 9. Disposition of pari-mutuel pools; percentage payable to state as a tax. Every corporation or association authorized under this act to conduct pari-mutuel betting at a race meeting on races run thereat, shall distribute all sums deposited in any pari-mutuel pool to the winners thereof, less ten per centum of the

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